

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-cv-484-FDW-DSC

TOP PRODUCT INNOVATIONS, INC.)
)
Plaintiff,)
)
vs.)
)
ISMS LTD., DENNIS BELLAFFIORE,)
OWEN BLEVINS, and LIAM BLEVINS,)
)
Defendants.)

**CONSENT PRELIMINARY
INJUNCTION**

THIS MATTER is before the Court on the Plaintiff’s Motion for a Preliminary Injunction. The parties have consented to the entry of this Preliminary Injunction in the interest of preserving the status quo. Based on the consent of all the Parties, and after careful consideration of the record, the Court GRANTS the motions and makes the following findings of fact and conclusions of law:

TPI sought the emergency assistance of this Court in preventing its former independent contractor, ISMS Limited (“ISMS”), ISMS’s president Dennis Bellafigiore (“Bellafigiore”), and two former employees, Owen Blevins and Liam Blevins (collectively “Defendants”) from use or dissemination of information in Defendants’ possession that TPI contends is confidential, proprietary, and trade secret information (“TPI Information”).

The Court issued a Consent Temporary Restraining Order (“TRO”) (Doc. No. 12) on September 23, 2021.

Defendants have complied with the TRO, including production of:

- a) the hard drive removed from the Lenovo ThinkPad used by Owen Blevins in his employment with TPI;
- b) the information transferred from the Alienware Laptop used by Liam Blevins in his employment with TPI;

c) the information downloaded from TPI's Box files by Bellafore and Liam Blevins in June and August of 2021 (the iMac Time Machine),

d) access to all cloud accounts maintained by Defendants that contain TPI information; and

e) descriptions of Defendants' communications with third-parties regarding TPI that occurred after Defendants left TPI.

Defendants deny misappropriation of any trade secrets, but do not object to a Preliminary Injunction preventing them from using or disclosing TPI information while the parties explore settlement.

The Court is issuing this Order with the consent of the parties because the parties are attempting to resolve this matter through private settlement, which will be facilitated by the documents and information provided by Defendants pursuant to the TRO, which is currently being processed and reviewed. The Court enters this Preliminary Injunction to facilitate those settlement discussions and to avoid expending unnecessary time and expense on behalf of the parties and the Court.

Accordingly, Defendants are **RESTRAINED AND ENJOINED** from

1) Transmitting, disclosing, using, or communicating in any matter whatsoever, except to counsel and the parties to this action, TPI Information they took from TPI in whatever form, including but not limited to:

a) the hard drive removed from the Lenovo ThinkPad used by Owen Blevins in his employment with TPI,

b) the information transferred from the Alienware Laptop used by Liam Blevins in his employment with TPI, and

c) the information downloaded from TPI's Box files by Bellafore and Liam Blevins in June and August of 2021.

2) Destroying or altering any TPI Information.

Defendant ISMS is **RESTRAINED AND ENJOINED** from violating, either directly or indirectly, the terms of its Non-Disclosure Agreement with TPI. Accordingly, ISMS will take all necessary and appropriate actions to safeguard the TPI Information and use its best efforts to prevent and protect the TPI Information, or any part thereof, from disclosure to any person other than TPI or its forensic expert, Clark Walton of Reliance Forensics.


The injunctive relief provided for in the TRO (Doc. No. 12) entered on September 23, 2021 is dissolved and replaced by this Preliminary Injunction. Both parties preserve the right to ask the Court to revisit this Preliminary Injunction at any time.

The parties are further ordered to continue the expedited discovery provided for in the TRO (Doc. No. 12).

The parties shall also **TAKE NOTICE** that, the hearing scheduled for October 12, 2021, is cancelled. Given the issues in this case, the Court intends to proceed expeditiously, and, as the time for the filing of the Answer has been extended to November 1, 2021 (Doc. No. 20), the parties shall confer immediately regarding the required Federal Rule of Civil Procedure 26(f) report and shall file such 26(f) report promptly upon the filing of the Answer, but in no event later than November 1, 2021.

IT IS SO ORDERED.

Signed: October 8, 2021


Frank D. Whitney
United States District Judge

